

ASSEMBLY BILL 33 (LRB -0594)

An Act to renumber and amend 51.30 (4) (b) 13. of the statutes; relating to: an exception to confidentiality requirements for treatment records. (FE)

2005

03-07.	A.	Introduced by Representatives Wasserman, Gielow, Petrowski, Ainsworth, Hines, Berceau, Grigsby, Hahn, Jeskewitz, Kaufert, F. Lasee, Lehman, Lothian, Musser, Ott, Stone, Townsend, Vos and M. Williams ; cosponsored by Senators Roessler, Lassa and Olsen .	
01-25.	A.	Read first time and referred to committee on Health	41
02-10.	A.	Fiscal estimate received.	
09-13.	A.	Public hearing held.	
11-22.	A.	Executive action taken.	
12-09.	A.	Report passage recommended by committee on Health, Ayes 12, Noes 0	662
12-09.	A.	Referred to committee on Rules	662
12-20.	A.	Assembly amendment 1 offered by Representative Wasserman (LRB a0115)	699

2006

03-02.	A.	Placed on calendar 3-7-2006 by committee on Rules.	
03-02.	A.	Made a special order of business at 11:34 A.M. on 3-7-2006 pursuant to Assembly Resolution 50	899
03-07.	A.	Read a second time	921
03-07.	A.	Assembly amendment 1 adopted	921
03-07.	A.	Ordered to a third reading	921
03-07.	A.	Rules suspended	921
03-07.	A.	Read a third time and passed	921
03-07.	A.	Ordered immediately messaged	921
03-07.	S.	Received from Assembly	713
03-07.	S.	Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care	713
03-29.	S.	Public hearing held.	
04-19.	S.	Executive action taken.	
04-19.	S.	Report introduction and adoption of Senate Substitute Amendment 1 recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0 (LRB s0681)	777
04-19.	S.	Report concurrence as amended recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0	777
04-19.	S.	Available for scheduling.	
05-03.	S.	Placed on calendar 5-4-2006 and made a special order at 11:15 A.M. by committee on Senate Organization.	
05-04.	S.	Read a second time.	
05-04.	S.	Senate substitute amendment 1 adopted .	
05-04.	S.	Ordered to a third reading.	
05-04.	S.	Rules suspended.	
05-04.	S.	Read a third time and concurred in as amended.	
05-04.	S.	Ordered immediately messaged.	
05-04.	A.	Received from Senate amended and concurred in as amended (Senate substitute amendment 1 adopted).	
05-04.	A.	Senate substitute amendment 1 concurred in .	
05-04.	A.	Action ordered immediately messaged.	

LN

2005 ENROLLED BILL

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ADOPTED DOCUMENTS:

☐ Orig

☐ Engr

5 SubAmdt 1

05 50681 / 1

Amendments to above (if none, write "NONE"):

None

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

5-9-06

Date

SRM

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 33**

April 19, 2006 – Offered by COMMITTEE ON HEALTH, CHILDREN, FAMILIES, AGING AND
LONG TERM CARE.

- 1 **AN ACT** *to renumber and amend* 51.30 (4) (b) 13.; and *to create* 51.30 (4) (cm)
2 1. and 51.30 (4) (cm) 2. of the statutes; **relating to:** an exception to
3 confidentiality requirements for treatment records.

Analysis by the Legislative Reference Bureau

Under current law, with numerous exceptions, the treatment records of an individual who is treated for mental illness, developmental disabilities, alcoholism, or drug dependence must remain confidential, are privileged to the individual, and may be released only with the individual's informed written consent. One of the exceptions to these confidentiality requirements permits the release of information contained in a treatment record as to whether or not an individual is a patient at an inpatient facility; and the information may be released to the individual's parents, children, or spouse, to a law enforcement officer who is seeking to determine if the individual is on unauthorized absence from the facility, and to mental health professionals who are providing treatment to the individual.

This substitute amendment changes that exception to *require* that notice be provided, upon request, as to whether or not an individual is a patient at an inpatient facility and, if no longer a patient, the facility to which the individual was transferred or other place, if known, at which the individual is located. This information must be released, if requested, to the individual's siblings, as well as the individual's parents, children, or spouse, or to a law enforcement officer or mental health

professional. However, the substitute amendment prohibits the release of the information to the individual's parents, children, siblings, or spouse if the individual has specifically named the person and has requested that the information be withheld from him or her. The substitute amendment also prohibits the release of the information if, in the opinion of the inpatient facility, there is reasonable cause to believe that disclosure of the information would result in danger to the individual.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 51.30 (4) (b) 13. of the statutes is renumbered 51.30 (4) (cm) (intro.)
2 and amended to read:

3 51.30 (4) (cm) (intro.) Required access to certain information. ~~To the parents,~~
4 ~~children~~ Notwithstanding par. (a), treatment records of an individual shall, upon
5 request, be released without informed written consent, except as restricted under
6 par. (c), to the parent, child, sibling, or spouse of an individual who is or was a patient
7 at an inpatient facility; to a law enforcement officer who is seeking to determine
8 whether an individual is on unauthorized absence from the facility; and to mental
9 health professionals who are providing treatment to the individual at the time that
10 the information is released to others. Information released under this subdivision
11 paragraph is limited to notice as to whether or not an individual is a patient at the
12 inpatient facility; and, if the individual is no longer a patient at the inpatient facility,
13 the facility or other place, if known, at which the individual is located. This
14 paragraph does not apply under any of the following circumstances:

15 **SECTION 2.** 51.30 (4) (cm) 1. of the statutes is created to read:

16 51.30 (4) (cm) 1. To the individual's parent, child, sibling, or spouse who is
17 requesting information, if the individual has specifically requested that the
18 information be withheld from the parent, child, sibling, or spouse.

19 **SECTION 3.** 51.30 (4) (cm) 2. of the statutes is created to read:

4 (END)